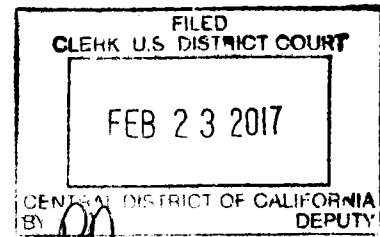


DEVADA BURNS  
Register No. 06321-090  
Federal Correctional Institution  
P.O. Box 1000  
Otisville, NY 10963-1000  
  
Plaintiff, pro se



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DEVADA BURNS,

Plaintiff,

v.

EXPERIAN INFORMATION  
SOLUTIONS, INC., EQUIFAX  
INFORMATION SERVICES, LLC, and  
SOUTHWEST CREDIT SYSTEMS, L.P.

**Defendants.**

Case No. CV 17-01508-RGR(RAG)

**COMPLAINT**

[Jury Trial Demanded]

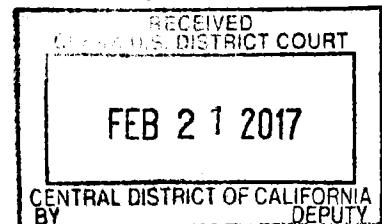
NOW COMES Plaintiff, Devada Burns, pro se, and for his Complaint against Defendants, Experian Information Solutions, Inc., Equifax Information Services, LLC, and Southwest Credit Systems, LP, states and alleges the following:

## **NATURE OF THE CASE**

1. This is a lawsuit seeking redress for violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, et seq., and the Fair Debt Collections Practices Act ("FDCPA"), 15 U.S.C. § 1692, et seq..

## **JURISDICTION AND VENUE**

2. The Court has jurisdiction over the parties to this action and the subject matter thereof pursuant to 15 U.S.C. § 1681p, 15 U.S.C. § 1692k(d), and 28 U.S.C. § 1331.



3. Venue is proper pursuant to 28 U.S.C. § 1331(b)(1).

PARTIES

4. Plaintiff, Devada Burns ("Burns"), is a natural person and citizen of Otisville, New York.

5. Defendant, Experian Information Solutions, Inc. ("Experian"), is an Ohio corporation that conducts business throughout the United States and maintains its headquarters in Costa Mesa, California.

6. Defendant, Equifax Information Services, LLC ("Equifax"), is a Georgia limited liability company that conducts business throughout the United States and maintains its headquarters in Atlanta, Georgia.

7. Defendant, Southwest Credit Systems, LP ("Southwest"), is a Texas limited partnership that conducts business throughout the United States and maintains its headquarters in Carrollton, Texas.

FACTS

8. Burns is a "consumer" as defined in the FCRA and the FDCPA.

9. Experian is a "consumer reporting agency" as defined in the FCRA.

10. Equifax is a "consumer reporting agency" as defined in the FCRA.

11. Southwest is a "debt collector" as defined in the FDCPA. In addition, Southwest furnishes information to credit reporting agencies and is subject to the FCRA.

12. On or about December 19, 2016, Experian provided Burns

with a copy of his Experian credit report ("Experian report") pursuant to his request.

13. On or about December 23, 2016, Equifax provided Burns with a copy of his Equifax credit report ("Equifax report") pursuant to his request.

14. The Experian report contains a collection account reported by Southwest ("the account") for a debt purportedly incurred with AT&T in 2016.

15. The Equifax report contains a collection account reported by Southwest ("the account") for a debt purportedly incurred with AT&T in 2016.

16. Burns notified Experian that he disputed the account on the basis that he has been incarcerated for several years, did not open the account, and it was likely opened through the unauthorized use of his identity.

17. Burns notified Equifax that he disputed the account on the basis that he has been incarcerated for several years, did not open the account, and it was likely opened through the unauthorized use of his identity.

18. Experian notified Southwest of Burns' dispute; however, it did not conduct any independent reinvestigation of same.

19. Equifax notified Southwest of Burns' dispute, however, it did not conduct any independent reinvestigation of same.

20. Southwest received notice of Burns' disputes submitted through Experian and Equifax; however, it did not investigate Burns' contention that the account was opened while he has been incarcerated through the unauthorized use of his identity.

21. Southwest notified Experian that it verified the account belongs to Burns.

22. Experian notified Burns that it verified the account belongs to him.

23. Southwest notified Equifax that it verified the account belongs to Burns.

24. Equifax notified Burns that it verified the account belongs to him.

25. Southwest, in fact, never verified that the account belongs to Burns.

26. Experian, in fact, never verified that the account belongs to Burns.

27. Equifax, in fact, never verified that the account belongs to Burns.

28. Southwest continues to report the account as delinquent for inclusion in Burns' Experian and Equifax credit files.

29. Experian continues to maintain the account information in Burns' credit file.

30. Equifax continues to maintain the account information in Burns' credit file.

COUNT I (FCRA) - EXPERIAN

31. Burns realleges and incorporates paragraphs 1 through 30 as if fully set forth herein.

32. Experian has a duty under 15 U.S.C. § 1681i(a)(1)(A) to conduct a reasonable reinvestigation when a consumer disputes the accuracy of an item appearing in their credit report.

33. Experian violated 15 U.S.C. § 1681i(a)(1)(A) by failing

to conduct a reasonable reinvestigation of Burns' dispute concerning the Southwest account appearing in his credit report.

34. Experian's conduct was willful, in that it was part of a policy, practice, or custom, where Experian conducts no independent reinvestigation of consumer disputes, instead simply transmitting disputes to the creditors involved and then informing the consumer of the creditor's response.

35. As a direct and proximate result of Experian's unlawful conduct, Burns suffered damages, including, but not limited to, damage to credit reputation, lowered credit score, loss of credit opportunity, and emotional distress.

WHEREFORE, Burns respectfully moves for Judgment in his favor against Experian and the following:

a. Actual damages in an amount determined at trial pursuant to 15 U.S.C. § 1681n(a)(1)(A) and/or 15 U.S.C. § 1681o(a)(1);

b. Punitive damages in an amount determined at trial pursuant to 15 U.S.C. § 1681n(a)(2);

c. Recovery of costs and attorney's fees incurred pursuant to 15 U.S.C. § 1681n(a)(3) and/or 15 U.S.C. § 1681o(a)(2); and

d. Any further relief deemed just and proper by the Court.

COUNT II (FCRA) - EQUIFAX

36. Burns realleges and incorporates paragraphs 1 through 30 as if fully set forth herein.

37. Equifax has a duty under 15 U.S.C. § 1681i(a)(1)(A) to conduct a reasonable reinvestigation when a consumer disputes the accuracy of an item appearing in their credit report.

38. Equifax violated 15 U.S.C. § 1681i(a)(1)(A) by failing to conduct a reasonable reinvestigation of Burns' dispute concerning the Southwest account appearing in his credit report.

39. Equifax's conduct was willful, in that it was part of a policy, practice, and custom, where Equifax conducts no independent reinvestigation of consumer disputes, instead simply transmitting disputes to the creditors involved and then informing the consumer of the creditor's response.

40. As a direct and proximate result of Equifax's unlawful conduct, Burns suffered damages, including, but not limited to, damage to credit reputation, lowered credit score, loss of credit opportunity, and emotional distress.

WHEREFORE, Burns respectfully moves for Judgment in his favor against Equifax and the following:

a. Actual damages in an amount determined at trial pursuant to 15 U.S.C. § 1681n(a)(1)(A) and/or 15 U.S.C. § 1681o(a)(1);

b. Punitive damages in an amount determined at trial pursuant to 15 U.S.C. § 1681n(a)(2);

c. Recovery of costs and attorney's fees incurred pursuant to 15 U.S.C. § 1681n(a)(3) and/or 15 U.S.C. § 1681o(a)(2); and

d. Any further relief deemed just and proper by the Court.

COUNT III (FCRA) - SOUTHWEST

41. Burns realleges and incorporates paragraphs 1 through 30 as if fully set forth herein.

42. As a furnisher of information to consumer reporting agencies, Southwest has a duty under 15 U.S.C. § 1681s-2(b) to

conduct a reasonable investigation when notified by a consumer reporting agency that a consumer disputes the accuracy of information it has reported for inclusion in the consumer's credit report.

43. Southwest violated 15 U.S.C. § 1681s-2(b) by failing to conduct a reasonable investigation of Burns' dispute of the accuracy of information reported to Experian and Equifax for inclusion in his credit reports, after having been notified of the dispute by each company.

44. Southwest's conduct was willful, in that it was part of a policy, practice, or custom, where it conducts no meaningful investigation of disputes involving the unauthorized use of a consumer's identity.

45. As a direct and proximate result of Southwest's unlawful conduct, Burns suffered damages, including, but not limited to, damage to credit reputation, lowered credit score, loss of credit opportunity, and emotional distress.

WHEREFORE, Burns respectfully moves for Judgment in his favor against Southwest and the following:

- a. Actual damages in an amount determined at trial pursuant to 15 U.S.C. § 1681(a)(1)(A) and/or 15 U.S.C. § 1681o(a)(1);
- b. Punitive damages in an amount determined at trial pursuant to 15 U.S.C. § 1681n(a)(2);
- c. Recovery of costs and attorney's fees incurred pursuant to 15 U.S.C. § 1681n(a)(3) and/ or 15 U.S.C. § 1681o(a)(2); and

d. Any further relief deemed just and proper by the Court.

COUNT IV (FDCPA) - SOUTHWEST

46. Burns realleges and incorporates paragraphs 1 through 30 as if fully set forth herein.

47. Southwest has a duty under 15 U.S.C. § 1692e(8) to refrain from communicating or threatening to communicate to any person credit information which is known or should be known to be false.

48. Southwest violated 15 U.S.C. § 1692e(8) by communicating to Experian and Equifax that the account it reported for inclusion in Burns' credit report with each company was verified as belonging to him when, in fact, Southwest knows or should know that to be false.

49. As a direct and proximate result of Southwest's unlawful conduct, Burns suffered damages, including, but not limited to, damage to credit reputation, lowered credit score, loss of credit opportunity, and emotional distress.

WHEREFORE, Burns respectfully moves for Judgment in his favor against Southwest and the following:

a. Actual damages in an amount determined at trial pursuant to 15 U.S.C. § 1692k(a)(1);

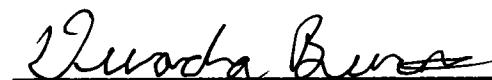
b. Statutory damages in the amount of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);

c. Recovery of costs and attorney's fees incurred pursuant to 15 U.S.C. § 1692k(a)(3); and

d. Any further relief deemed just and proper by the Court.

Respectfully submitted,

DATED: February 14, 2017

  
Devada Burns  
DEVADA BURNS  
Plaintiff, pro se

JS 44 (Rev. 12/07)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Devada Burns

(b) County of Residence of First Listed Plaintiff Orange (NY)  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Pro Se

DEFENDANTS Experian Information Solutions, Inc., Equifax Information Services, LLC, and Southwest Credit Systems, LP  
County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	Citizen of Another State	PTF	DEF
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Incorporated or Principal Place of Business In This State      Incorporated and Principal Place of Business In Another State      Foreign Nation

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTIES	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PARTNERSHIPS	SOCIAL SECURITY	ECONOMIC STABILIZATION
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1398f)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 520 Habeas Corpus: Accommodations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General Welfare	<input type="checkbox"/> 863 DIWC/DIWV. (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		
GOVERNMENT	WATER RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS
			<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	
FAIR TRADE	CONTRACTS	IMMIGRATION	SOcial SECURITY	ENVIRONMENTAL
			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 893 Environmental Matters
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 894 Energy Allocation Act
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 895 Freedom of Information Act
SECURITIES	CONTRACTS	IMMIGRATION	SOCIAL SECURITY	ENVIRONMENTAL
			<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
			<input type="checkbox"/> 863 DIWC/DIWV. (405(g))	<input type="checkbox"/> 950 Constitutionality of State Statutes
			<input type="checkbox"/> 864 SSID Title XVI	
			<input type="checkbox"/> 865 RSI (405(g))	

## V. ORIGIN

(Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judges from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**15 U.S.C. § 1681 and 15 U.S.C. § 1692**

Brief description of cause:

**Fair Credit Reporting Act and Fair Debt Collections Practices Act**

## VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:  Yes  No**

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/14/17

SIGNATURE OF ATTORNEY OF RECORD

*Devada Burns*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

CV17-01508



Devada Burns  
Register No. 06321-090  
Federal Correctional Institution  
P.O. Box 1000  
Otisville, NY 10963-1000



06321-090  
Office Of The Clerk  
U.S. District Court  
312 N Spring ST  
Room G-8  
Los Angeles, CA 90012-4701  
United States

3001232095 0004

FEDERAL CORRECTIONAL INSTITUTION

CITYVILLE, NY 10963

DATE: *2-1-17*

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has neither been opened nor inspected. If the writer raises a question of problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer enclosed correspondence for forwarding to another addressee, please return the enclosure to the addressee above.

